IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4096 OF 2007

Indira Gandhi Co-operative Society Ltd...Petitioner.
Vs.
Municipal Corporation of City of Kolhapur
& Anr. ..Respondents.

Mr.S.K.Talsaria, Sr.Counsel with Ms.Nandini Menon with Mr.Udeshi i/b Udeshi & Co. for the Petitioner.

CORAM : J.H.BHATIA, J.
DATE : JULY 4, 2007.

P.C.

1. The petitioner had filed a suit against the Municipal Corporation and Municipal Commissioner, Kolhapur, who are the respondents in this petition, for perpetual injunction and for declaration of certain rights on the ground that the Municipal Corporation had entered into registered agreement whereby certain land belonging to Corporation was given to the petitioner for a period of 30 years for accommodation of the poor people. However, even though a contractual period is not over, the Corporation intends to demolish the huts and houses of the poor people, who are the members of the petitioner/society. In the said suit petitioner filed an application under Order 27 Rule 5A of the Civil Procedure Code to implead the Government of Maharashtra and the Collector, Kolhapur as defendant nos.3 and 4. That application came to be rejected by

the Joint Civil Judge Junior Division, Kolhapur by the impugned order dated 28-02-2007. Hence, this petition has been filed.

2. After hearing the learned counsel for the petitioner and after going through the copy of the plaint as well as impugned order, I am satisfied that there is no error in the impugned order. The State of Maharashtra or the Collector, Kolhapur are not concerned with the said contract, which was entered into between the petitioner and the Municipal Corporation.

3. Therefore, the petition stands dismissed summarily.

(J.H.Bhatia, J.)